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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/067,774 | 02/08/2002 | Koichi Shinozaki | Q66403 | 8529 |

7590 09/07/2004

SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

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| EXAMINER |
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HUTTON JR, WILLIAM D

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| ART UNIT | PAPER NUMBER |
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2179

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,774

Applicant(s)

SHINOZAKI ET AL.

Examiner

Doug Hutton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

Receipt of papers submitted under 35 U.S.C. 119(a)-(d) is acknowledged. The papers have been placed of record in the file.

Specification

The specification appears to be a translation of a foreign patent application and grammatical errors and errors in sentence structure are replete throughout the specification. For example, see the last paragraph in BACKGROUND OF THE INVENTION that states "there is no *idea* for correcting the image," and the first sentence in SUMMARY OF THE INVENTION, which is a run-on sentence that states "an image suitable for a user's *taste*."

A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

The disclosure is objected to because of the following informalities:

- the specification recites "to automatically pick up image information (*URL*) of an image currently displayed" (see Page 2, Lines 3-4); the examiner is unsure how a

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URL is considered to be “image information;” in its response to this Office Action,

Applicant should explain how a URL is “image information;” and

- the acronym RRL on Page 4, Line 1 should be amended to spell out the element it represents; and
- the term “cash” on Page 4, Line 12 should be amended to — cache — because that is the proper spelling; this spelling error is replete throughout the specification.

The abstract of the disclosure is objected to because it exceeds 150 words in length. Correction is required. See MPEP § 608.01(b).

Appropriate correction is required.

Claim Objections

Claims 1 and 2 are objected to because of the following informalities:

- the phrase “to automatically pick up image information (*URL*) of an image currently displayed” (see Claim 1, Lines 2-3 and Claim 2, Lines 3-4) should be amended because the examiner is unsure how a URL is considered to be “image information;” in its response to this Office Action, Applicant should either amend the claims or explain how a URL is “image information.”

Appropriate correction is required.

Drawings

The drawings are objected to because the term "CASH" should be amended to — CACHE — and the images in Figure 1 cannot be clearly seen.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by

Fields et al., U.S. Patent No. 6,581,109.

Claim 1:

Fields discloses an automatic image correcting method on a browser (see Column 1, Lines 10-14; see Column 7, Lines 13-20 – Fields discloses this limitation in that the automatic image adjustment method is performed dynamically while a web page is being served; thus, the method is performed "on a browser"), comprising the steps of:

- analyzing a context of an HTML document currently displayed on the browser to automatically pick up image information (URL) of an image currently displayed (see Column 3, Lines 55-58; see Column 4, Lines 48-54 – Fields discloses this limitation in that the automatic image adjustment method includes HTML documents that are analyzed to adjust the colors of images in said documents);
- producing a replica of the image and automatically performing image correction to the replica of the image (see Column 4, Lines 48-54 – Fields discloses this

limitation in that the automatic image adjustment method includes a default image received as input and generates a color-adjusted image; thus, a “replica” of the original image is created and the “image correction” is applied to it); and

- automatically displaying the image after the correction on the browser (see Column 5, Lines 54-57 – Fields discloses this limitation in that the automatic image adjustment method includes displaying the color-adjusted web page).

Claim 2:

Fields discloses an automatic image correcting system on a browser (see Column 1, Lines 10-14; see Column 7, Lines 13-20 – Fields discloses this limitation in that the automatic image adjustment system corrects the colors of the web pages dynamically while a web page is being served; thus, the method is performed “on a browser”), comprising the steps of:

- image information pick-up means for analyzing a context of an HTML document currently displayed on the browser to automatically pick up image information (URL) of an image currently displayed (see Column 3, Lines 55-58; see Column 4, Lines 48-54 – Fields discloses this limitation in that the automatic image adjustment system analyzes HTML documents to adjust the colors of images in said documents);
- image correcting means for automatically performing image correction to the image information obtained by the image information pick-up means to a replica of the image which is automatically produced by the image information (see

Column 4, Lines 48-54 – Fields discloses this limitation in that the automatic image adjustment system receives a default image as input and generates a color-adjusted image; thus, a “replica” of the original image is created and the “image correction” is applied to it); and

- correction image display means for automatically displaying the image after the correction on the browser (see Column 5, Lines 54-57 – Fields discloses this limitation in that the automatic image adjustment system displays the color-adjusted web page).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Bernard et al., U.S. Patent No. 6,693,647; Bernard et al., U.S. Patent No. 6,744,448; Shelton, U.S. Patent Application Publication No. US 2002/0161803; and Moroney et al., U.S. Patent Application Publication No. US 2002/0186387.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Doug Hutton whose telephone number is (703) 305-1701. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at (703) 308-5186. The fax phone

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number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

WDH
July 20, 2004

A handwritten signature in black ink, appearing to read 'D. Hutton', with a long horizontal stroke extending to the right.

**DOUG HUTTON
PATENT EXAMINER
TECH CENTER 2100**